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8 Attorneys for Defendant DGG FINANCIAL CORPORATION dba DREXEL LENDING
 9 GROUP (erroneously sued as Drexel Lending Group, a California corporation)

10
 11 **UNITED STATES DISTRICT COURT**
 12
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 MARIA R. METCALF, DENNIS R.
 15 GRAY,

16 Plaintiffs,

17 vs.

18 DREXEL LENDING GROUP, a
 19 California corporation; OLD
 20 REPUBLIC TITLE COMPANY, a
 21 California corporation; AURORA
 22 LOAN SERVICES, LLC; a California
 23 limited liability company;
 24 MORTGAGE ELECTRONIC
 25 REGISTRATION SYSTEMS, INC., a
 26 Delaware corporation; and ROBERT
 27 E. WEISS INCORPORATED, a
 28 California corporation,

Defendants.

) CASE NO.: 3:08-cv-00731-W-POR

)
)
) **DGG FINANCIAL CORPORATION**
) **DBA DREXEL LENDING GROUP'S**
) **NOTICE OF MOTION AND MOTION**
) **TO DISMISS OR ALTERNATIVE**
) **MOTION FOR A MORE DEFINITE**
) **STATEMENT**

) **[F.R.Civ.P., rule 12(b)(6) and rule 12(e)]**

) Date: September 15, 2008

) Time: 10:30 a.m.

) Courtroom: 7

) Judge: Hon. Thomas J. Whelan

) **NO ORAL ARGUMENT PURSUANT**
) **TO LOCAL RULE 7.1(d)(1)**

29 **TO EACH PARTY AND THEIR COUNSEL OF RECORD:**

30 **PLEASE TAKE NOTICE** that on September 15, 2008 at 10:30 a.m., in
 31 Courtroom 7 of this Court located at 880 Front Street, Room 4290, San Diego, California,
 32 Defendant DGG Financial Corporation dba Drexel Lending Group ("Drexel") will move

1 this Court for an order dismissing this action and for a judgment of dismissal pursuant to
2 *Federal Rule of Civil Procedure*, rule 12(b)(6) on the basis that the complaint fails to
3 state a claim upon which relief can be granted. Alternatively, Drexel moves this Court to
4 order Plaintiffs to file a more definite statement.

5 This motion is based upon the grounds that Plaintiffs Maria Metcalf and Dennis
6 Gray have failed to set forth any facts revealing any wrongdoing by Drexel. The motion
7 will be based upon this notice of motion and motion, the memorandum of points and
8 authorities submitted herewith, the request for judicial notice submitted herewith, the
9 files and records in this action, and any further evidence and argument that the Court may
10 receive at or before the hearing.

11 DATED: August 11, 2008

THE RYAN FIRM
A Professional Corporation

By: 

TIMOTHY M. RYAN
KIMBERLY L. ROIG
Attorneys for Defendant DGG
FINANCIAL CORPORATION dba
DREXEL LENDING GROUP

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